

Before the
Federal Communications Commission
Washington, D.C. 20554

MAR 5 - 2007

In the Matter of

Petition of Core Communications, Inc. for
Forbearance from Sections 251(g) and 254(g) of
the Communications Act and Implementing Rules

WC Docket No. 06-100

ORDER

Adopted: February 28, 2007

Released: March 1, 2007

By the Chief, Wireline Competition Bureau:

1. In this order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by Core Communications, Inc. (Core)² shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act?

2. On April 27, 2006, Core filed a petition asking the Commission to forbear from rate regulation preserved by section 251(g) of the Act and related implementing rules.³ Specifically, Core requests that the Commission forbear from: (1) section 251(g) and its implementing rules "to the extent they apply to or regulate the rate for compensation for switched 'exchange access, information access, and exchange services for such access to interexchange carriers and information service providers' pursuant to state and federal access charge rules;" and (ii) "any limitation, by [Commission] rule or otherwise, on the scope of section 251(b)(5) that is implied from section 251(g) preserving receipt of switched access charges." In addition, Core asks the Commission to forbear from the rate averaging and integration requirements contained in section 254(g) of the Act and its implementing rules.⁴ Core requests that the Commission apply the forbearance requested in its petition to all telecommunications carriers, such that grant of its petition would subject these carriers to section 251(b)(5) of the Act for rate setting purposes.⁵

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the Commission extends the one-year period.⁶ The Commission may extend the initial one-year period by an additional 90 days if the

¹ 47 U.S.C. § 160(c).

² *Petition of Core Communications, Inc./or Forbearance under 47 U.S.C. § 160(c) from Rate Regulation Pursuant to § 251(g) and for Forbearance from Rate Averaging and Integration Regulation Pursuant to § 254(g)*, WC Docket No. 06-100 (filed Apr. 27, 2006) (Core Forbearance Petition).

³ 47 U.S.C. § 160(a).

⁴ Core Forbearance Petition at 1-2; 47 U.S.C. § 251(g).

⁵ Core Forbearance Petition at 2; 47 U.S.C. §§ 251(b)(5), 251(g).

⁶ Core Forbearance Petition at 1-2; 47 U.S.C. § 254(g).

⁷ Core Forbearance Petition at 1; 47 U.S.C. § 251(b)(5).

⁸ 47 U.S.C. § 160(c).

Commission finds that an extension is necessary to meet the requirements of section 10(a).⁹ As the Commission previously has found, extensions of time pursuant to section 10(c) of the Act involve routine and well-adjudicated procedural questions and do **not** address the substance of the forbearance petitions or any other novel questions." Such extensions, therefore, fall within the authority delegated to the Wireline Competition Bureau (Bureau) pursuant to section 0.91(m) of the Commission's rules.¹¹

4. The petition under review raises significant questions regarding whether forbearance from sections 251(g) and 254(g) and their implementing rules for all telecommunications carriers meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c) of the Act.

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291,¹² the date **on** which the petition seeking forbearance filed by Core shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to July 25, 2007.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief, Wireline Competition Bureau

⁹ See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, as amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

¹⁰ *Fones4All Corp. Petition for Expedited Forbearance Under 47 U.S.C. § 160(c) and Section 1.53 from Application of Rule 51.319(d) to Competitive Local Exchange Carriers Using Unbundled Local Switching to Provide Single Line Residential Service to End Users Eligible for State or Federal Lifeline Service*, WC Docket No. 05-261, Memorandum Opinion and Order, 21 FCC Rcd 11125, 11128 n.17 (2006) (*Fones4All Forbearance Order*).

¹¹ *Id.*; 47 C.F.R. § 0.91(m).

¹² See 47 U.S.C. § 155(c).